IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1910 of 2007()

Crime No.326/06 of Iritty Police Station

: PETITIONER/ACCUSED

MUHAMMED SHAFEEQUE,
S/O.RASHEED KUTTY, AGED 29 YEARS,
PATTATHUMURIYIL HOUSE, ERUVA P.O.,
KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTING S.H.O.,
IRITTY POLICE STATION, KANNUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1910 OF 2007 C

Dated this the 2nd day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the 3rd accused in Crime No.326/06 of Iritty Police Station for an offence punishable under Sec.55(a) of the Abkari Act for allegedly transporting 560 liters of rectified spirit in 16 cans in a Maruti car on 25.11.2006 and who surrendered before the Magistrate on 14.3.2007 and was remanded to judicial custody, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application, prima facie the records produced by the petitioner would disclose that he is the R.C. owner of the car, which was transferred on 18.7.2006 to one Satheesh and a joint sale letter was also submitted to the registering authority. If this transfer is genuine and valid, then the petitioner was not the R.C. owner of the vehicle on 25.11.2006. Admittedly the petitioner was not arrested from the vehicle. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Mattannur and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

aks